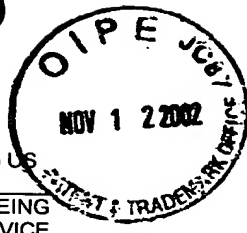


DAC

#2



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FOR PATENTS, WASHINGTON, D.C. 20231.  
Scott W. Kelley, Reg. No. 43,453  
TYPED NAME OF PERSON MAILING PAPER OR FEE  
SIGNATURE OF PERSON MAILING PAPER OR FEE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit: 3611
	)	
Walter W. Mosher, Jr., Michael L. Beigel	)	Examiner: B. Green
and Thomas P. Mahoney	)	
	)	
Serial No. 09/033,832	)	
	)	Docket No. PREDYN-42891
Filed: March 3, 1998	)	
	)	
For: IDENTIFICATION DEVICE HAVING	)	
REUSABLE TRANSPONDER	)	

Woodland Hills, California  
October 28, 2002

PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. 1.137(b)

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant respectfully requests that the above-identified application  
be revived and that a reply in the form of a Request for Continued Examination  
be accepted. The delay in filing a Request for Continued Examination was  
unintentional.

11/15/2002 TTRAN1 00000031 09033832

01 FC:2801  
02 FC:2453

~~370.00 OP~~  
640.00 OP

A Notice of Abandonment for the above-reference application was mailed on May 07, 2002 to Lyon & Lyon, LLP, now defunct, as the attorneys of record. A new Power of Attorney by Assignee of Record, Precision Dynamics Corporation, to appoint Kelly, Bauersfeld, Lowry & Kelley, LLP as attorneys of record has already been filed.

The application was placed under appeal before the Board of Patent Appeals and Interferences on May 18, 2000. As the reason for abandonment, it is in Paragraph 6 of the Notice: "(t)he decision by the Board of Patent Appeals and Interferences rendered on September 27, 2002 and because the period for seeking court review of the decision has expired and there are no allowed claims."

The required reply, in the form of a Request for Continued Examination and a Preliminary Amendment responsive to the Decision of the Board, is submitted herewith. It is respectfully requested that the application be reinstated.

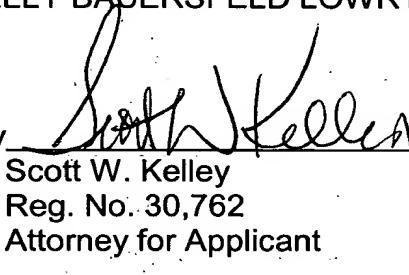
If the Examiner or the Board has any questions with regard to this request, please contact the undersigned attorney of record at 818-347-7900.

A check in the amount of \$640.00 is enclosed, which includes the petition fee, as required by 37 C.F.R. 1.17(m), and \$370.00 for the required reply (i.e., the Request for Continued Examination and Preliminary Amendment) is also enclosed herewith.

Respectfully submitted,

KELLY BAUERSFELD LOWRY & KELLEY, LLP

By

  
\_\_\_\_\_  
Scott W. Kelley  
Reg. No. 30,762  
Attorney for Applicant

SWK/maf  
6320 Canoga Avenue  
Suite 1650  
Woodland Hills, CA 91367  
(818) 347-7900



11-14-02 #24  
DAC RCE  
ORIGINAL 3611  
PTO/SB/30 (10-01)  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Approved for use through 10/31/2002. OMB 0651-0031  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/033,832
Filing Date	March 3, 1998
First Named Inventor	Walter W. Mosher, Jr.
Art Unit	3611
Examiner Name	B. Green
Attorney Docket Number	PREDYN-42891

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☐ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☒ Other 1. Petition to Revive Unintentionally Abandoned Application;  
2. Power of Attorney

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
  - i. ☒ RCE fee required under 37 CFR 1.17(e)
  - ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
  - iii. ☒ Other Petition to Revive Unintentionally Abandoned Application
- b. ☒ Check in the amount of \$ 1,010.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Scott W. Kelley	Registration No. (Attorney/Agent)	43,453
Signature	<i>Scott W. Kelley</i>	Date	November 12, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Scott W. Kelley	Date	November 12, 2002
Signature	<i>Scott W. Kelley</i>		

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11/15/2002 TTRAN1 00000031 09033832

01 FC:2801 370.00 OP  
02 FC:2453 640.00 OP

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/033,832
	Filing Date	03/03/1998
	First Named Inventor	Walter W. Mosher, Jr., et al.
	Group Art Unit	3611
	Examiner Name	B. Green
Total Number of Pages in This Submission	Attorney Docket Number	PREDYN-42891

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Revive <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Return Receipt Postcard</b> <b>RCE Form</b>
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Scott W. Kelley, Esq. Kelly Bauersfeld Lowry & Kelley, LLP
Signature	
Date	November 12, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: Nov. 12, 2002			
Typed or printed name	Scott W. Kelley		
Signature		Date	November 12, 2002

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**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,010.00

**Complete if Known**

Application Number	09/033,832
Filing Date	March 3, 1998
First Named Inventor	Walter W. Mosher, Jr. et al
Examiner Name	B. Green
Art Unit	3611
Attorney Docket No.	PREDYN-42891

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
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The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 740	2001 370	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 400	2252 200	Extension for reply within second month	
1253 920	2253 460	Extension for reply within third month	
1254 1,440	2254 720	Extension for reply within fourth month	
1255 1,960	2255 980	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,280	2453 640	Petition to revive - unintentional	640.
1501 1,280	2501 640	Utility issue fee (or reissue)	
1502 460	2502 230	Design issue fee	
1503 620	2503 310	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 740	2809 370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))	
1801 740	2801 370	Request for Continued Examination (RCE)	370.
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)			(\$ ) 1,010.00

**SUBMITTED BY**

Name (Print/Type)	Scott W. Kelley	Registration No. (Attorney/Agent)	30,762	Telephone	818.347.7900
Signature	<i>Scott W. Kelley</i>	Date	Nov. 12, 2002		

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit: 3628
	)	
Walter W. Mosher, Jr., Michael L. Beigel	)	Examiner: B. Green
and Thomas P. Mahoney	)	
	)	
Serial No. 09/033,832	)	
	)	Docket No. PREDYN-42891
Filed: March 3, 1998	)	
	)	
For: IDENTIFICATION DEVICE HAVING	)	
REUSABLE TRANSPONDER	)	

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**OFFICE OF PETITIONS**

Sir:

As assignee of record of the entire interest of the above-identified application/patent, as shown in the records of the U.S. Patent and Trademark Office in an Assignment recorded on March 3, 1998, Reel 9042, Frame 0346, all Powers of Attorney previously given are hereby revoked and the following attorneys are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office in connection therewith: Scott W. Kelley,

Registration No. 30,762; Stuart O. Lowry, Registration No. 26,563; John D. Bauersfeld, Registration No. 24,496; John E. Kelly, Registration No. 24,269; Matthew J. Spark, Registration No. 43,453; and Aaron T. Borrowman, Registration No. 42,348.

Direct all telephone calls to Scott W. Kelley at telephone no. (818) 347-7900.

Address all correspondence to:

Scott W. Kelley

KELLY BAUERSFELD LOWRY & KELLEY, LLP

6320 Canoga Avenue, Suite 1650

Woodland Hills, California 91367

11-4-02  
Date

  
Name: Walter W. Mosher, Jr.  
Title: Chairman/Chief Technology Officer